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September 11, 2018

VIA ECF

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
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WASHINGTON, DC OFFICE

Re: *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No. 08-01789 (SMB); *Picard v. Shapiro, et al.*, Adv. Pro. No. 10-05383 (SMB)

Dear Judge Bernstein,

We represent Defendants Stanley Shapiro, David Shapiro, Leslie Shapiro Citron, and Kenneth Citron in the above-captioned matter. Pursuant to the Court's request that the Parties confer and explain the need for a Fifth Case Management Plan, the Trustee submitted a letter this afternoon detailing the discovery conducted to date and potential outstanding issues ("Trustee's Letter"). Doc. 111. Defendants write in further support of the Parties' proposed Fifth Case Management Plan.

As discussed in the Trustee's Letter, Defendants made a production in accordance with the Court's Order in June on the Trustee's Motion to Compel (*see* Doc. 105), supplementing the almost eight thousand pages produced roughly eight years ago. More recently, despite the Trustee's assertion today that he had "substantially completely [sic] his production by August 2017," the Trustee produced an additional 5,691 documents to Defendants on August 20, 2018, including documents related to Mr. Shapiro's employment. Doc. 111 at 2. Furthermore, the Trustee has yet to confirm whether his production is now complete.

While Defendants' counsel is actively reviewing these new documents, additional time is needed to finish the review and conduct depositions, which is particularly difficult absent confirmation that discovery is complete. As a result, a further extension of the fact discovery deadline is necessary in this case and Defendants respectfully request that the Court enter the proposed Fifth Amendment to the Case Management Plan.

Respectfully,

/s/ Barry R. Lax

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